

Remarks

Claims 1, 3-7, 11 and 17-19 are currently pending in the Application and Claims 20-23 are newly presented herein.

New Claims

This response adds new Claims 20-23 to more completely claim the invention. Support for the new Claims 20-22 can be found on page 18, line 10 to page 19, line 21 of the originally filed specification. Support for the new Claims 23 can be found in Claim 19 and on page 18, line 10 to page 19, line 21 of the originally filed specification. No new matter has been presented.

The total number of pending claims in the present application is 13, 4 of which are independent. Applicants submit that excess claim fees for one independent claim have been paid concurrently with the present submission. Should additional claims fees be due, the Commissioner is authorized to charge them to deposit account no. 12-0415.

35 U.S.C. §103(a) rejection

Claims 1, 4-7, 11 and 17-19 stand rejected under 35 U.S.C. §103(a) as being obvious in view of Wehrmeyer (U.S. Patent No. 3,908,659) and further in view of Nystrand (U.S. Patent No. 3,667,468). Claim 3 stands rejected under 35 U.S.C. §103(a) as being obvious in view of Wehrmeyer and further in view of Fitzgerald (U.S. Patent No. 4,435,178).

Applicants submit that the Examiner has not established a *prima facie* case of obviousness for the claims rejected under 35 U.S.C. §103(a) because cited references do not teach each and every element as recited in the present claims.

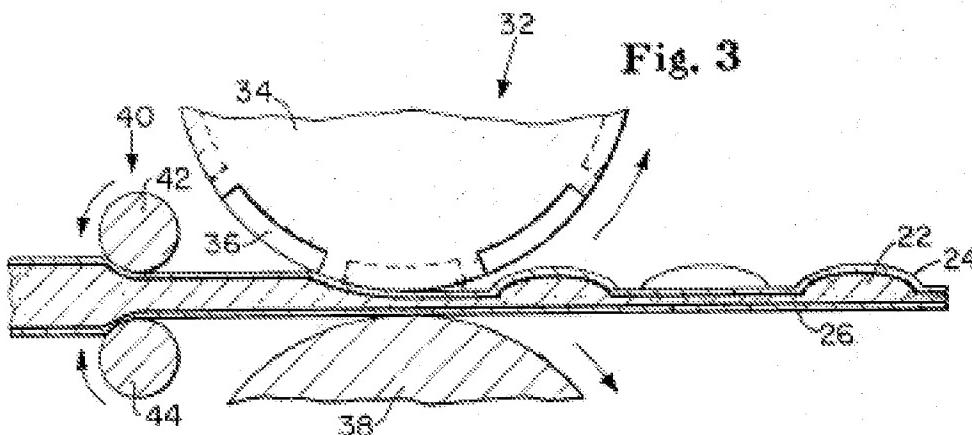
Claim 1

A. Applicants further submit that Wehrmeyer and Nystrand do not disclose, suggest or teach, *inter alia*, the following features recited by amended Claim 1 of the present application:

“said **absorbent** includes an upper layer and a lower layer” (emphasis added)

Referring to Wehrmeyer’s Figure 3 reproduced below, the Examiner asserts that the “upper layer” as recited in Claim 1 is disclosed by Wehrmeyer’s layer “24” (p. 3 of the Office Action). The Examiner further asserts that Wehrmeyer’s layer “26” discloses “the lower layer” as recited in Claim 1 (p. 3 of the Office Action). Applicants respectfully traverse the Examiner’s assertion.

□



According to Wehrmeyer, layers 24 and 26 are tissue papers (c. 5, ll. .4-5 of the Wehrmeyer). Contrary to Wehrmeyer, the “upper layer” and the “lower layer” recited in Claim 1 are “absorbent” material, not tissue as recited in Wehrmeyer.

Furthermore, Wehrmeyer tissue layers 24 and 26 form an envelope around absorbent mat 22 (c. 5, l. 25 of the Wehrmeyer). Contrary to Wehrmeyer, there is nothing in claim 1 that would lead one skilled in the art to understand that recited “upper layer” and the “lower layer” are somehow connected.

Applicants thus respectfully submit that because layers 24 and 26 are **interconnected tissue** papers that form an **envelope**, Wehrmeyer does not teach, disclose or suggest “said **absorbent**

includes an upper layer and a lower layer” (emphasis added) as recited in Claim 1, and request the Examiner to kindly reconsider and pass claim 1 to allowance.

B. Applicants further submit that Wehrmeyer and Nystrand do not disclose, suggest or teach, *inter alia*, the following features recited by Claim 1 of the present application:

“wherein said absorbent has relations of B>C>A, when said upper layer has a density A, **a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer ... has a density C**”
(emphasis added)

Referring to Wehrmeyer’s Figure 3, reproduced above, the Examiner asserts that the “upper layer” as recited in Claim 18 is disclosed by Wehrmeyer’s layer “24” (p. 3 of the Office Action). The Examiner further asserts that Wehrmeyer’s layer “26” discloses “the lower layer” as recited in Claim 18 (p. 3 of the Office Action). Applicants respectfully traverse the Examiner’s assertion.

Applicants respectfully request that the Examiner comply with 37 C.F.R. §1.104(c)(2) by designating “as nearly as practicable” where Wehrmeyer teaches that layer 26’s density varies along the width/length of the layer 26. Applicants submit that there is no other reasonable interpretation of Wehrmeyer other than that layer 26’s density is constant, and for this reason further submit that Wehrmeyer does not teach, disclose or suggest “a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer ... has a density C” as recited in new Claim 1. Hence, Claim 1 is patentable over Wehrmeyer and should be allowed by the Examiner.

Claims 3-7 and 17

Claims 3-7 and 17, at least based on their dependency on amended Claim 1, are also believed to be patentable over Wehrmeyer and Nystrand.

Claim 18

A. Applicants further submit that Wehrmeyer and Nystrand do not disclose, suggest or teach, *inter alia*, the following features recited by Claim 18 of the present application:

“wherein said lower layer has a width and a length and said upper layer has a width and a length; wherein the width of said lower layer is **greater** than the width of said upper layer” (emphasis added)

Referring to Wehrmeyer’s Figure 3, reproduced above, the Examiner asserts that the “upper layer” as recited in Claim 18 is disclosed by Wehrmeyer’s layer “24” (p. 3 of the Office Action). The Examiner further asserts that Wehrmeyer’s layer “26” disclose “the lower layer” as recited in Claim 18 (p. 3 of the Office Action). Applicants respectfully traverse the Examiner’s assertion.

Wehrmeyer’s Figure 3, reproduced above, clearly shows that layers 24 and 26 are of the same width. Because layers 24 and 26 are of the same width, Wehrmeyer does not teach, disclose or suggest “wherein the width of said lower layer is **greater** than the width of said upper layer” (emphasis added) as recited in new Claim 18. Hence, Claim 18 is patentable over Wehrmeyer and Nystrand and should be allowed by the Examiner.

B. Applicants further submit that Wehrmeyer and Nystrand do not disclose, suggest or teach, *inter alia*, the following features recited by Claim 18 of the present application:

“wherein said absorbent has relations of B>C>A, when said upper layer has a density A, **a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer has a density C**” (emphasis added)

Referring to Wehrmeyer's Figure 3, reproduced above, the Examiner asserts that the "upper layer" as recited in Claim 18 is disclosed by Wehrmeyer's layer "24" (p. 3 of the Office Action). The Examiner further asserts that Wehrmeyer's layer "26" disclose "the lower layer" as recited in Claim 18 (p. 3 of the Office Action). Applicants respectfully traverse the Examiner's assertion.

Applicants respectfully request that the Examiner comply with 37 C.F.R. §1.104(c)(2) by designating "as nearly as practicable" where Wehrmeyer teaches that layer 26's density varies along the width/length of the layer 26. As previously noted, because layer 26's density is constant, Wehrmeyer does not in fact teach, disclose or suggest "a portion of said lower layer that underlies the upper layer has a density B, and the remaining portion of said lower layer has a density C" as recited in new Claim 18. Hence, Claim 18 is patentable over Wehrmeyer and Nystrand and should be allowed by the Examiner.

Claim 19

A. Applicants submit that, at least for the reasons stated above for Claim 18, Wehrmeyer and Nystrand do not teach, disclose or suggest "wherein said lower layer has a width and a length and said upper layer has a width and a length; wherein the width of said lower layer is **greater** than the width of said upper layer" (emphasis added) as recited in Claim 19.

B. Applicants submit that, at least for the reasons stated above for Claim 18, Wehrmeyer and Nystrand do not teach, disclose or suggest "a portion of **said lower layer** that underlies the upper layer **has a density B**, and the remaining portion of said lower layer **has a density C**" (emphasis added) as recited in Claim 19.

New Claim 20

Applicants further submit that Wehrmeyer and Nystrand do not disclose, suggest or teach, *inter alia*, the following features recited by new Claim 20 of the present application:

“said density A is uniform along the entire upper layer, **said density B is uniform** along the portion of said lower layer that underlies the upper layer, and **density C is uniform** along the remaining portion of said lower layer that extends beyond the outer edge of said upper layer” (emphasis added)

Referring to Wehrmeyer’s Figure 1, Wehrmeyer teaches that tuffs 28 of layers 24 and 26 are low-density regions that are surrounded by higher-density regions 30 (c. 5, ll. 23-30 of Wehrmeyer).

Contrary to Wehrmeyer, “upper layer” recited in Claim 20 has a “uniform density A” and one portion of “lower layer” recited in Claim 20 has “uniform density B” while another portion of “lower layer” has “uniform density C.” Because Wehrmeyer’s layers have varying densities, Wehrmeyer does not teach, disclose or suggest “**said density A is uniform** along the entire upper layer, **said density B is uniform** along the portion of said lower layer that underlies the upper layer, and **density C is uniform** along the remaining portion of said lower layer that extends beyond the outer edge of said upper layer” (empashis added) as recited in Claim 20. Hence, Claim 20 is patentable over Wehrmeyer and Nystrand and should be allowed by the Examiner.

Claim 21

Applicants submit that, at least for the reasons stated above for Claim 20, Wehrmeyer and Nystrand do not teach, disclose or suggest “wherein **said density A is uniform** along the entire upper layer, **said density B is uniform** along the portion of said lower layer that underlies the upper layer, and **density C is uniform** along the remaining portion of said lower layer that extends beyond the outer edge of said upper layer” (emphasis added) as recited in Claim 21.

Claim 22

Applicants submit that, at least for the reasons stated above for Claim 20, Wehrmeyer and Nystrand do not teach, disclose or suggest “wherein **said density A is uniform** along the entire upper layer, **said density B is uniform** along the portion of said lower layer that underlies the

upper layer, and **density C is uniform** along the remaining portion of said lower layer that extends beyond the outer edge of said upper layer" (emphasis added) as recited in Claim 22.

Claim 23

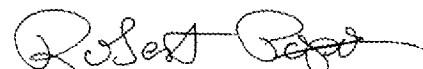
Applicants submit that, at least for the reasons stated above for Claim 20, Wehrmeyer and Nystrand do not teach, disclose or suggest "when said upper layer has **substantially unvarying density A**, a portion of said lower layer that underlies the upper layer has **substantially unvarying density B**, and the remaining portion of said lower layer has **substantially unvarying density C**" (emphasis added) as recited in Claim 23.

In view of the above, reconsideration and allowance of all the claims are respectfully solicited.

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The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

Respectfully submitted,



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